

WILLIAM HANSON,

<p style="text-align: right;">150</p> <p>1 of product were to go in that aisle, but</p> <p>2 those pallets were not exactly adjacent</p> <p>3 to the shelf where they go on.</p> <p>4 Q. Okay.</p> <p>5 A. They would have to be moved</p> <p>6 around with the pallet jack, but they</p> <p>7 were in the same aisle where it needed to</p> <p>8 go.</p> <p>9 Q. Any other problems that you</p> <p>10 had with the Lowe's Dover store when you</p> <p>11 worked for Spectrum?</p> <p>12 A. No, sir, not at this time.</p> <p>13 I can't think of anything else.</p> <p>14 Q. Was there an incident where</p> <p>15 you remained in the store after it had</p> <p>16 closed when you worked for Spectrum?</p> <p>17 A. Yes, sir.</p> <p>18 Q. What happened then?</p> <p>19 A. I don't remember the -- I</p> <p>20 don't remember the full details, but one</p> <p>21 thing I did not want to do was leave, I</p> <p>22 guess you could say, a mess.</p> <p>23 You know, I had -- I had a</p> <p>24 shopping cart full of stuff that I just</p>	<p style="text-align: right;">152</p> <p>1 timely matter. I'm not going to say it</p> <p>2 was fifteen or twenty minutes or</p> <p>3 whatever, but it was a short period of</p> <p>4 time that I did get it done and then I</p> <p>5 was escorted out.</p> <p>6 Q. What do you mean "you were</p> <p>7 escorted out"?</p> <p>8 A. I'm sorry. I -- escorted</p> <p>9 out with the security. They have a -- I</p> <p>10 guess like an ADT key pad basically just</p> <p>11 making sure that -- because, you know,</p> <p>12 they have security making sure that</p> <p>13 nobody steals anything, so they basically</p> <p>14 check everything, make sure nothing has</p> <p>15 been taken and -- and to open the door</p> <p>16 and immediately lock it and then have the</p> <p>17 security alarm on for the night stocking</p> <p>18 girl.</p> <p>19 Q. And who escorted you out?</p> <p>20 A. Linda Myers.</p> <p>21 Q. Okay. Did you set off the</p> <p>22 alarm?</p> <p>23 A. No, sir.</p> <p>24 Q. Did you ever -- were you</p>
<p style="text-align: right;">151</p> <p>1 didn't want to throw in the overhead.</p> <p>2 They closed at 10:00 and I know I would</p> <p>3 have gotten it done in fifteen minutes,</p> <p>4 and I didn't feel fifteen minutes was</p> <p>5 going to be detrimental as far as their</p> <p>6 store's operation.</p> <p>7 I did ask a manager at the</p> <p>8 time -- actually, I asked Linda, to be</p> <p>9 honest with you, I asked Linda Myers.</p> <p>10 She happened to be the manager on duty.</p> <p>11 And she was upset -- I mean, she got</p> <p>12 upset with the fact that I didn't get</p> <p>13 done before 10:00, but I explained the</p> <p>14 situation, and I said, Linda, I don't</p> <p>15 want to leave the cart behind. I'm</p> <p>16 trying to have a good name for myself.</p> <p>17 It will only take ten or fifteen minutes,</p> <p>18 but I want to get this on the shelf.</p> <p>19 And she said -- I'm not</p> <p>20 going to say she was happy. She just</p> <p>21 said basic -- basically she gave me the</p> <p>22 approval to be there after 10:00. She</p> <p>23 said hurry up with it, and I said thanks.</p> <p>24 But I did get done in a</p>	<p style="text-align: right;">153</p> <p>1 ever in the store where you set off the</p> <p>2 alarm in Dover?</p> <p>3 A. As an employee or vendor?</p> <p>4 Q. Either one.</p> <p>5 A. I don't think so.</p> <p>6 Q. Okay. Now, why was it that</p> <p>7 you were not able to get that product put</p> <p>8 back or get the area cleaned up before</p> <p>9 10:00?</p> <p>10 A. Customers.</p> <p>11 Q. You were always servicing</p> <p>12 customers?</p> <p>13 A. Not always, but if a -- if a</p> <p>14 customer did ask me a question, it's hard</p> <p>15 for me to blow them off. I would not --</p> <p>16 I wouldn't initiate going to the</p> <p>17 customer, but if the customer did come to</p> <p>18 me, I would answer any questions that</p> <p>19 they had.</p> <p>20 Q. And that kept you from</p> <p>21 getting your work done that night?</p> <p>22 A. On that particular night, it</p> <p>23 did.</p> <p>24 Q. Did you spend any time</p>

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<p style="text-align: right;">154</p> <p>1 talking to the Lowe's employees while you 2 were there?</p> <p>3 A. Yes, sir.</p> <p>4 Q. How much time did you spend 5 talking to the Lowe's employees while you 6 were there?</p> <p>7 A. It would be brief, probably 8 a couple of minutes, just asking them if 9 they needed anything done as far as 10 product placement.</p> <p>11 Q. Anything else you talked to 12 the Lowe's employees about when you were 13 there?</p> <p>14 A. I mean, of course we all 15 talk. There would be a couple of 16 times -- uhm, we all take breaks and go 17 to the breakroom, and then in the 18 breakroom we would just talk about, you 19 know, just various things going on in the 20 news.</p> <p>21 Q. Okay. Why did you leave 22 Spectrum?</p> <p>23 A. Laid off.</p> <p>24 Q. When was that?</p>	<p style="text-align: right;">156</p> <p>1 A. No, sir.</p> <p>2 Q. Okay. What did you do after 3 you were laid off from Spectrum?</p> <p>4 A. I went to Ideal 5 Merchandising.</p> <p>6 Q. How soon after you left 7 Spectrum did you go to Ideal?</p> <p>8 A. One month.</p> <p>9 Q. Do you remember when that 10 was?</p> <p>11 A. I don't remember the date, 12 but it was in October of 2003.</p> <p>13 Q. Okay. How did you find out 14 about a job at Ideal?</p> <p>15 A. That's an interesting 16 question. Uhm, actually, you would think 17 that I would have found out, uhm, through 18 word of mouth, but, uhm, actually, it was 19 advertised on NARMS dot com.</p> <p>20 Q. NARMS?</p> <p>21 A. NARMS.</p> <p>22 Q. NARMS?</p> <p>23 A. NARMS, it's a search engine 24 for vendor management. Actually, all</p>
<p style="text-align: right;">155</p> <p>1 A. It was, uhm -- I believe it 2 was like the end of October of 2003.</p> <p>3 No. Was it? September. 4 September of 2003.</p> <p>5 MR. LEAHY: We can go off 6 the record.</p> <p>7 - - -</p> <p>8 (Whereupon, there was a 9 discussion held off the record at 10 this time.)</p> <p>11 - - -</p> <p>12 (Whereupon, there was a 13 luncheon recess held at this time, 14 12:37 to 1:31 p.m.)</p> <p>15 - - -</p> <p>16 BY MR. LEAHY:</p> <p>17 Q. Mr. Hanson, when we left 18 off, we were talking about your 19 employment with Spectrum, and I think you 20 said that you left there because you were 21 laid off?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Did somebody replace you 24 then covering the Dover store for Lowe's?</p>	<p style="text-align: right;">157</p> <p>1 they do is place workers for vending 2 jobs, whether it be vending at a retail 3 store, wholesale store, and they had an 4 opening, and I put posted my resume on 5 NARMS.</p> <p>6 Q. Is it N-a-r-m-s?</p> <p>7 A. N-a-r-m-s.</p> <p>8 Q. Then what did you do to 9 apply, you posted it on the Internet?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Then did somebody contact 12 you from Ideal?</p> <p>13 A. Jeremy Leaman.</p> <p>14 Q. What did he say to you? Did 15 he contact you by phone?</p> <p>16 A. Yes, sir.</p> <p>17 Q. What did he tell you?</p> <p>18 A. He said that they had an 19 opening in the Dover and Middletown 20 position, and if I was interested, to 21 meet him in Middletown to go over what 22 the job would entail.</p> <p>23 Q. Did you know before then 24 that the job would entail being in a</p>

<p style="text-align: right;">158</p> <p>1 Lowe's store? 2 A. Yes, sir. 3 Q. How did you know that? 4 A. He said that. 5 Q. Okay. When he contacted 6 you, he told you that it would involve 7 vending in a Lowe's store? 8 A. Yes, sir. 9 Q. And he said it would be the 10 Dover and Middletown stores? 11 A. Yes, sir. 12 Q. Okay. And he said meet me 13 at Middletown? 14 A. Yes. 15 Q. Did you meet him there? 16 A. Yes. 17 Q. What happened there? 18 A. I met him in Middletown at 19 -- and he just basically walked me 20 through what I would do. 21 Ideal Merchandising 22 consisted of two departments, a plumbing 23 and an electrical department, and he was 24 very informative. He walked me over each</p>	<p style="text-align: right;">160</p> <p>1 Ideal? 2 A. Yes, sir. On a footnote, we 3 would have Ideal Merchandising -- like 4 when I did work, whether I would be -- 5 like one day I would do plumbing, one day 6 electrical, I would have that department 7 manager sign off, not necessarily 8 reporting to him or her, per se, but they 9 would sign off on my PDA or paperwork. 10 Q. I'm sorry, what was the 11 first term you used? 12 A. PDA. 13 Q. What does that stand for? 14 A. That's a -- a -- wow, that's 15 a -- 16 MS. CLEMONS: Personal 17 digital assistant. 18 THE WITNESS: Thank you. I 19 couldn't even think. Thank you. 20 That's what it is. 21 BY MR. LEAHY: 22 Q. Personal digital assistant? 23 A. Yes, sir. 24 Q. So if you worked in the</p>
<p style="text-align: right;">159</p> <p>1 aisle on what I would exactly be doing 2 with Ideal Merchandising. He did 3 plumbing and electrical. 4 And I was surprised, he 5 expedited everything that day. He said 6 if I was interested that, uhm, I could 7 start, I think he said, like next week or 8 something like that. I might have 9 started the next week, but he pretty much 10 said I could start at the time that he 11 had offered and so I took that offer. 12 Q. So he offered you the job on 13 that same day? 14 A. Yes, sir. 15 Q. And you accepted it that 16 same day? 17 A. Yes, sir. 18 Q. What was the title of your 19 position there? 20 A. Merchandiser. 21 Q. Who did you report to? 22 A. Jeremy Leaman. 23 Q. Did you report to him for 24 the entire time that you worked for</p>	<p style="text-align: right;">161</p> <p>1 plumbing department, the plumbing 2 department manager would sign off on your 3 digital assistant to indicate that you 4 had worked there for the day? 5 A. Yes, sir. 6 Q. And the same with the 7 electrical? 8 A. Yes, sir. 9 Q. Okay. And by plumbing 10 department manager and electrical 11 department manager, you mean the Lowe's 12 employee? 13 A. Yes, sir. 14 Q. Okay. 15 A. But, again, on the footnote, 16 they did not give me any directives on 17 what I had to do because I strictly 18 reported with Jeremy Leaman. He gave 19 me -- on the PDA there would be 20 activities on what I would have to do and 21 on the paperwork there would be 22 activities on what I would have to do, so 23 I had work assigned to him, therefore, I 24 reported to him, and he would expect a</p>

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1 call on a daily basis, like wanting to
 2 know what was going on and stuff.
 3 **Q. Okay. So what were your**
 4 **responsibilities as merchandiser?**
 5 A. I loved it, actually, even
 6 though it was -- it wasn't the glorified
 7 role I had before as market sales
 8 manager, I loved what I did because I did
 9 what the Lowe's employees wouldn't do or
 10 too often. I would be responsible for
 11 marketing, which is basically -- I had
 12 everything.
 13 Any type of display, I was
 14 responsible to make sure the display was
 15 clean, was colorful, was, you know --
 16 just basically sold the merchandise. I
 17 was also responsible for the beams to be
 18 painted the Lowe's color, which is like a
 19 -- well, the beam color is a certain kind
 20 of gray. There's different gray
 21 schematics, but it was the Lowe's color
 22 gray, so I was responsible to make sure
 23 that the beams were flush gray.
 24 **Q. What do you mean by "beams"?**

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1 A. Beams are the beams that
 2 hold the product -- I shouldn't say that,
 3 actually, the overlay, which is like the
 4 wood that goes -- the wood that's
 5 underneath the product. These beams hold
 6 the -- they are like part of the shelf
 7 unit. These beams hold the wooden slab
 8 that holds the product, so they're
 9 support units.
 10 **Q. Okay.**
 11 A. So all I did was basically
 12 make a lot of bench stickers, small
 13 stickers, beam stickers, a little bit
 14 bigger stickers where the price is. As
 15 part of my job, it was to make sure the
 16 prices were accurate, make sure the
 17 stickers were flush and they were not
 18 torn off or scratched, that everything
 19 was where it was supposed to be, product
 20 was supposed to be where that item number
 21 was.
 22 And, uhm, to go along with
 23 that, the whole schematics of that bay
 24 was my overseeing, making sure, like I

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1 said, the display was perfect, making
 2 sure the brochures was fully stocked with
 3 brochures, the beam was a Lowe's color
 4 gray, nice color, the stickers were brand
 5 new. I also had to do the stocking, too,
 6 to make sure everything was brought down
 7 in order.
 8 I liked doing it, to be
 9 honest with you.
 10 **Q. Were there specific products**
 11 **that were responsible for working for**
 12 **Ideal?**
 13 A. Yeah, I oversee like
 14 electrical and GE and Buss -- like GE,
 15 the brand, Buss, B-u-s-s, the brand,
 16 dealing with the fuses and the electrical
 17 plumbing, American Valve, uhm, and all
 18 the PVC pipes, pretty much everything --
 19 all the small components pretty much in
 20 plumbing. Quest, the copper, black iron.
 21 I mean, I did everything. I did a lot of
 22 the smaller units in plumbing and
 23 electrical.
 24 **Q. Okay. And which stores did**

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1 **you work in?**
 2 A. Middletown and Dover.
 3 **Q. Just those two?**
 4 A. Yes, sir.
 5 **Q. How often would you be at**
 6 **each store?**
 7 A. The way my -- my district
 8 manager, Jeremy Leaman, had it set up,
 9 two days in Middletown, two days in
 10 Dover.
 11 **Q. Okay. And then what would**
 12 **you do the next day, just continue to**
 13 **rotate?**
 14 A. Actually, it was kind of
 15 weird. Monday and Tuesday would be
 16 Middletown, Wednesday I would have off,
 17 Thursday and Friday I would have Dover.
 18 **Q. Okay.**
 19 A. Weekends off.
 20 **Q. Okay. So you worked four**
 21 **days a week?**
 22 A. Yes, sir.
 23 **Q. How many hours a day did you**
 24 **work?**

<p style="text-align: right;">166</p> <p>1 A. Ten hours a day.</p> <p>2 Q. And how much were you paid?</p> <p>3 A. \$12 an hour.</p> <p>4 Q. And when you went to each</p> <p>5 store, did you have it like one day you</p> <p>6 would do plumbing, one day you would do</p> <p>7 electrical?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Which day would you do</p> <p>10 plumbing and which electrical?</p> <p>11 A. They let -- Jeremy Leaman</p> <p>12 was great about that. He let me --</p> <p>13 wouldn't be assigned, hey, plumbing is</p> <p>14 Monday, electrical is Tuesday. It's what</p> <p>15 needed the most work. So Monday I</p> <p>16 would -- I still had to give equal</p> <p>17 treatment, but I could be flexible with</p> <p>18 what day I did plumbing or electrical.</p> <p>19 Q. Okay. Okay. Then -- and I</p> <p>20 think you said that you had to check in</p> <p>21 with Jeremy Leaman?</p> <p>22 A. Yes, sir.</p> <p>23 Q. How often did you check in</p> <p>24 with him?</p>	<p style="text-align: right;">168</p> <p>1 Q. Did you ever have to meet</p> <p>2 with Mr. Leaman in person?</p> <p>3 A. That's the unusual part.</p> <p>4 Uhm, through my 90-day tenure with Ideal,</p> <p>5 I have only met him like three times,</p> <p>6 maybe four, but it -- basically like once</p> <p>7 a month.</p> <p>8 Q. Now, give me an idea of how</p> <p>9 things would work. You would go in, say,</p> <p>10 to the Dover store, and you would look to</p> <p>11 plumbing and decide you had to work for</p> <p>12 plumbing for the day, for example?</p> <p>13 A. Yes, sir.</p> <p>14 Q. What if you needed products,</p> <p>15 how would you handle that?</p> <p>16 A. Oh, I would -- if I needed</p> <p>17 products, there are two ways to look at</p> <p>18 it. If I had the product, I would get</p> <p>19 the product down myself with the ladder.</p> <p>20 If I know that the store -- if that</p> <p>21 product wasn't there, then I will go to</p> <p>22 the department manager and ask because I</p> <p>23 couldn't order it, so I would give the</p> <p>24 manager our cycle count sheet and they</p>
<p style="text-align: right;">167</p> <p>1 A. Daily.</p> <p>2 Q. How would you check in?</p> <p>3 A. Uhm, he would either call me</p> <p>4 or I would call him just to let him know</p> <p>5 what's going on. We had direct lines of</p> <p>6 communication through PDA and fax. I</p> <p>7 would have to fax him paperwork every</p> <p>8 night, but he expected communications as</p> <p>9 far as, you know, knowing what I did, who</p> <p>10 I spoke with and everything like that.</p> <p>11 Q. What would you -- what kinds</p> <p>12 of things would you tell him?</p> <p>13 A. I would just tell him, you</p> <p>14 know, good things and bad things. I</p> <p>15 would tell him a lot of stuff needs to be</p> <p>16 ordered and, you know, I don't know if I</p> <p>17 could spend so much time in electrical</p> <p>18 because plumbing needs a lot of PVC they</p> <p>19 are missing in inventory, and even though</p> <p>20 we looked for them, can't find them, have</p> <p>21 to order them, so I'd just let him know</p> <p>22 what's going on as far as that goes, as</p> <p>23 far as, you know, the consistency of what</p> <p>24 was going on.</p>	<p style="text-align: right;">169</p> <p>1 would -- the sheet on what he needed to</p> <p>2 order.</p> <p>3 Q. The cycle count sheet?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And then the manager would</p> <p>6 order the product?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Okay. When you went into</p> <p>9 the Lowe's store, would you have to check</p> <p>10 in with anybody at the store and let them</p> <p>11 know you were there?</p> <p>12 A. No, sir.</p> <p>13 Q. At what point would you have</p> <p>14 the department manager indicate on your</p> <p>15 PDA that you had worked for them for the</p> <p>16 day or worked in that department for the</p> <p>17 day?</p> <p>18 A. Yes, sir. The way it worked</p> <p>19 is that, uhm, we have a -- Ideal</p> <p>20 Merchandising has bar codes on -- in the</p> <p>21 department where they have their desks</p> <p>22 because the electrical plum -- well, they</p> <p>23 have their own desk and there would be a</p> <p>24 specific Ideal Merchandising bar code on</p>

<p style="text-align: right;">170</p> <p>1 the side of the monitor usually where we</p> <p>2 used that PDA and we'd connect a scanning</p> <p>3 device. We scan in. That's our way of</p> <p>4 checking in.</p> <p>5 Q. Okay.</p> <p>6 A. We scan out. That's our way</p> <p>7 of checking out, but it's defaulted, and</p> <p>8 it won't let us check out unless we have</p> <p>9 a signature on the PDA.</p> <p>10 Q. Okay. So you would -- when</p> <p>11 you would check in, you would scan in --</p> <p>12 A. Yes, sir.</p> <p>13 Q. -- to indicate that you were</p> <p>14 there?</p> <p>15 And did you check in with</p> <p>16 anybody at Lowe's?</p> <p>17 A. I mean, Ideal</p> <p>18 Merchandising's procurement is checking</p> <p>19 in by signing in.</p> <p>20 Q. And that's the scanning in</p> <p>21 that you have just described for me?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 A. There's no procurement. If</p>	<p style="text-align: right;">172</p> <p>1 than that, we are not micromanaged, we</p> <p>2 get to work by ourselves and basically do</p> <p>3 the job that we were assigned to do.</p> <p>4 Q. And it would take you ten</p> <p>5 hours in one shift to do that job in a</p> <p>6 store in one department?</p> <p>7 A. Yes, sir. I was -- I mean,</p> <p>8 it's -- I mean, I enjoyed it, but it was</p> <p>9 ten long hours because all our components</p> <p>10 were small, and when you're dealing with</p> <p>11 -- it's like a needle in a haystack. I</p> <p>12 mean, you try your best to find something</p> <p>13 that's not there, but the computer shows</p> <p>14 that it's there, but you want to do it</p> <p>15 anyway before you just have the</p> <p>16 department manager cycle it out because</p> <p>17 if they cycle it out, they are losing</p> <p>18 money, because it says we have a hundred</p> <p>19 of the small half-inch PVC, and if it's a</p> <p>20 hundred and we can't find it, they cycled</p> <p>21 that out, which means they lose money for</p> <p>22 that and you have to order more and spend</p> <p>23 more money.</p> <p>24 Q. What do you mean "they cycle</p>
<p style="text-align: right;">171</p> <p>1 you ask Jeremy, it is not like I have to</p> <p>2 report to somebody. I want to report to</p> <p>3 Jeremy himself. If I saw a department</p> <p>4 manager, I would acknowledge the</p> <p>5 department manager and say hi, this is my</p> <p>6 activities for the day, you know, today,</p> <p>7 and, uhm, you know, I might check in with</p> <p>8 you later to order something. I will</p> <p>9 keep it short and brief.</p> <p>10 So if I did see the</p> <p>11 department manager, I would acknowledge</p> <p>12 him or her, tell them that I am there,</p> <p>13 but for the most part, I was working on</p> <p>14 my own, and to work on my own and do the</p> <p>15 tasks that I was assigned to, and then</p> <p>16 when I am done, to get with the</p> <p>17 department manager to order product, or</p> <p>18 if I had damaged product, go to the RTM</p> <p>19 department and have that returned and</p> <p>20 credited.</p> <p>21 And that's the only --</p> <p>22 really, that's the only communication</p> <p>23 that I would have with the Lowe's</p> <p>24 employee with Ideal Merchandising. Other</p>	<p style="text-align: right;">173</p> <p>1 it out"?</p> <p>2 A. It means they clear it out</p> <p>3 the system, because they will -- Lowe's</p> <p>4 automatically has a Genesis system where</p> <p>5 they automatically replenish and reorder</p> <p>6 their goods by -- if it gets down to a</p> <p>7 certain amount, it automatically orders,</p> <p>8 but if it stays in the system, like the</p> <p>9 half-inch PVC, if it is still showing a</p> <p>10 hundred but it's never on the shelf, then</p> <p>11 it's never going to be ordered because</p> <p>12 it's still showing a hundred.</p> <p>13 So my job is to make sure,</p> <p>14 hey, I looked for it everywhere, I can't</p> <p>15 find it, so this needs to be cycled out.</p> <p>16 So they will flush it out, it won't show</p> <p>17 a hundred, it will show it to zero, and</p> <p>18 they will probably place an order for a</p> <p>19 hundred and then they place it in the box</p> <p>20 and put it on the shelf.</p> <p>21 Q. And, again, you wouldn't</p> <p>22 order the products yourself?</p> <p>23 A. I couldn't. I would have to</p> <p>24 pass it on to the department manager.</p>

<p>174</p> <p>1 Q. Did you work for any other 2 place other than Lowe's stores? 3 A. No, sir. 4 Q. Other than Ideal? 5 A. No, sir. 6 Q. It was only these two Lowe's 7 stores? 8 A. Yes, sir. 9 Q. Did you have to wear a 10 uniform? 11 A. Yes, sir. 12 Q. What kind of a uniform? 13 A. Just a Lowe's vendor vest. 14 Q. Is that similar to the vest 15 you wore when you worked for Spectrum? 16 A. Yes. 17 Q. And is it different from 18 what a Lowe's employee wears? 19 A. Yes. 20 Q. How is it different? 21 A. The color. Lowe's employees 22 have a red-colored vest; vendors have a 23 gray-colored vest with blue trim. 24 Q. How did you get the vest</p>	<p>176</p> <p>1 document before? 2 A. I may have seen something 3 comparable, but I can't really say I have 4 seen this exact same document. 5 Q. Why don't we go through it a 6 little bit, and you just tell me if this 7 sounds like what you did. Okay? 8 A. Yes, sir. 9 Q. In the top part it says job 10 summary, works with a team or as an 11 individual to maintain the product in the 12 store location to provide basic service 13 to the rough plumbing and electrical 14 departments in all Lowe's stores at a 15 rate of 20 hours per week in each 16 assigned store. 17 Is that what you did? 18 A. Yes, sir. 19 Q. Okay. And it says, as a 20 merchandiser working in the store during 21 operating hours, you will be projecting 22 the image of the product, the company you 23 are working for, and the store. 24 Did you understand that that</p>
<p>175</p> <p>1 when you worked for Spectrum? 2 A. Jeremy Leaman gave me -- he 3 had a whole trunk full. He gave me a 4 couple of them. 5 Q. When you worked for 6 Spectrum? 7 A. Oh, I'm sorry. 8 For Spectrum, I was given 9 one -- I was given the vendor vest by a 10 store manager, assistant store manager in 11 Wilmington and Ideal Merchandising, as 12 Jeremy Leaman gave me a couple. 13 Q. Okay. 14 - - - 15 (Whereupon, Exhibit 2 was 16 marked for identification.) 17 - - - 18 BY MR. LEAHY: 19 Q. Mr. Hanson, I'm now showing 20 you a document that we have marked as 21 Exhibit 2, which is the job description 22 for the position of merchandiser at 23 Ideal. 24 Have you ever seen this</p>	<p>177</p> <p>1 was part of your job? 2 A. Yes, sir. 3 Q. Okay. Do you see there it 4 says, essential duties and 5 responsibilities, and could you just look 6 down through those and tell me if those 7 were all things that you had to do in 8 your employment for Ideal? 9 A. Yes, sir, that's all 10 correct, sir. 11 Q. So you did all of those 12 things? 13 A. Yes, sir. 14 Q. Did you do anything that 15 isn't listed there? 16 A. Yes. 17 Q. What did you do that isn't 18 listed there? 19 A. Uhm, I don't see it in here, 20 but damaged goods, I returned it to the 21 RTM clerk, which means -- I don't -- 22 unless it's in there in different 23 writing. I don't see it, any damaged 24 goods I would return to the RTM clerk and</p>

<p style="text-align: right;">178</p> <p>1 issue them a credit and they wouldn't be</p> <p>2 held at fault or charged with the damaged</p> <p>3 good, and they would get money back into</p> <p>4 their computer or money back into their</p> <p>5 system.</p> <p>6 Q. Okay. Anything else that</p> <p>7 you did that isn't listed there?</p> <p>8 A. Let me see. I can't think</p> <p>9 of anything else.</p> <p>10 Q. Okay. Look down at the</p> <p>11 bottom, and do you see job</p> <p>12 specifications?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Do you see where it says</p> <p>15 skills?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Do you see the last sentence</p> <p>18 there? It says, a merchandiser must be</p> <p>19 able to interact with store personnel and</p> <p>20 customers in a professional and courteous</p> <p>21 manner.</p> <p>22 A. Yes, sir.</p> <p>23 Q. Did you understand that that</p> <p>24 was part of your job for Ideal?</p>	<p style="text-align: right;">180</p> <p>1 only would I sell them that laminated</p> <p>2 flooring, but I took it to the register,</p> <p>3 I rang them up, I was the cashier who</p> <p>4 rang them up, so I was the salesperson,</p> <p>5 cashier and the loader. So I also took</p> <p>6 it outside and I loaded it into their</p> <p>7 car, so I did like three in one, like</p> <p>8 multitasking.</p> <p>9 And now being a</p> <p>10 merchandiser, when I said before it's</p> <p>11 more specialized, yes, you are to help</p> <p>12 out the customer, but the way they train</p> <p>13 us is, you know, if the customer asked</p> <p>14 you a question, answer that question and</p> <p>15 go -- and try to help -- help them</p> <p>16 with -- find whatever they needed to</p> <p>17 find, or if they have a question, just</p> <p>18 answer the question.</p> <p>19 If you can't answer it, get</p> <p>20 someone that can, but the main focus is</p> <p>21 pretty much, more or less, product</p> <p>22 placement, making sure inventory is where</p> <p>23 it's supposed to be, it's accurate, the</p> <p>24 -- the pricing, they say POP, which is</p>
<p style="text-align: right;">179</p> <p>1 A. Yes, sir.</p> <p>2 Q. Okay. Now, just so I'm</p> <p>3 clear on it, how is what you did for</p> <p>4 Ideal different from what you did as a</p> <p>5 Lowe's employee?</p> <p>6 A. It was more specialized. As</p> <p>7 a Lowe's employee, uhm, the focus is more</p> <p>8 worrying about the customer, customer</p> <p>9 satisfaction. Yes, you're dealing with</p> <p>10 product, uhm, placement and everything</p> <p>11 like that, but it's really about a</p> <p>12 customer, assisting their needs,</p> <p>13 answering all their questions, going</p> <p>14 above and beyond.</p> <p>15 In some cases at Lowe's --</p> <p>16 hardwood flooring, for example, back to</p> <p>17 flooring, because Lowe's is -- always has</p> <p>18 -- especially this store in Dover has a</p> <p>19 high turnover and is understaffed, so</p> <p>20 there are times when on a slow weekday,</p> <p>21 it would have to be slow, not only would</p> <p>22 I sell this person like for -- we had</p> <p>23 Armstrong laminated flooring. I would</p> <p>24 have customers buy by the pallet. Not</p>	<p style="text-align: right;">181</p> <p>1 the displays and the literature,</p> <p>2 everything where it's supposed to be.</p> <p>3 Because when you have rough</p> <p>4 plumbing or -- and electrical, I mean,</p> <p>5 that's two departments that consists of a</p> <p>6 dozen aisles, and the aisles in Lowe's</p> <p>7 are long, so that's why you could do 40</p> <p>8 hours in two departments, or as you said</p> <p>9 before, ten hours and in one department.</p> <p>10 Yes, you can do it, but it</p> <p>11 makes for a long day because you spend a</p> <p>12 lot more time counting. Yes, yes, you</p> <p>13 deal with customers, you interact with</p> <p>14 Lowe's employees, but a majority of the</p> <p>15 time is it's specifically just doing the</p> <p>16 inventory with Ideal Merchandising.</p> <p>17 Q. Okay. Now, beyond what's</p> <p>18 listed here on your job description, were</p> <p>19 there other rules that you had to follow</p> <p>20 when you worked in a Lowe's store?</p> <p>21 A. Uhm, such as?</p> <p>22 Q. Well, did you understand</p> <p>23 that you had to -- did anybody tell you</p> <p>24 that you had to abide by Lowe's policies</p>

<p style="text-align: right;">182</p> <p>1 while you were in the store?</p> <p>2 A. No, sir.</p> <p>3 Q. Okay. Did you understand</p> <p>4 that, for example, you were not allowed</p> <p>5 to sexually harass people in the store?</p> <p>6 A. Yes. Yes, sir.</p> <p>7 Q. How do you understand that?</p> <p>8 A. I mean, it's probably the</p> <p>9 wrong thing to say, but it's just common</p> <p>10 sense, probably not the politically</p> <p>11 correct thing to say, but -- plus, I had</p> <p>12 worked at Lowe's, so there's a lot of</p> <p>13 things that I knew about Lowe's coming</p> <p>14 into this job, which could have been the</p> <p>15 reason why Jeremy Leaman didn't emphasize</p> <p>16 about the Lowe's structure, because he</p> <p>17 knew I had a Lowe's background.</p> <p>18 Q. Okay. So you understood</p> <p>19 that at least there were some things that</p> <p>20 you could not do when you worked in the</p> <p>21 Lowe's store?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Can you think of anything</p> <p>24 offhand? I mentioned sexual harassment</p>	<p style="text-align: right;">184</p> <p>1 Q. Would you take a break for</p> <p>2 lunch?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Would you get paid for that?</p> <p>5 A. No, sir.</p> <p>6 Q. Okay. How did you spend</p> <p>7 your time during that typical shift</p> <p>8 working for Ideal?</p> <p>9 A. Just like any day?</p> <p>10 Q. Yes.</p> <p>11 A. I will just throw out Dover</p> <p>12 as an example. On Friday -- Thursday and</p> <p>13 Friday would be my Lowe's and Dover days</p> <p>14 and Dover was a lot worse than</p> <p>15 Middletown -- well, Middletown -- well,</p> <p>16 main reason is Middletown is a new store,</p> <p>17 Dover is not. Well, it's new, but five</p> <p>18 years ago old. Middletown is a couple.</p> <p>19 But, I mean, both plumbing</p> <p>20 and electrical, they are just terrible.</p> <p>21 I mean --</p> <p>22 Q. What do you mean by</p> <p>23 "terrible"?</p> <p>24 A. Just no organization, boxes</p>
<p style="text-align: right;">183</p> <p>1 and that was off the top of my head.</p> <p>2 Anything else offhand that you can think</p> <p>3 of?</p> <p>4 A. Obviously, the no-brainer is</p> <p>5 stealing, fighting. I hate to say those</p> <p>6 kinds of things, and it's kind of silly,</p> <p>7 but off the top of my head, that's what</p> <p>8 stands out.</p> <p>9 Q. Those are things you knew</p> <p>10 you couldn't do in the Lowe's store?</p> <p>11 A. You couldn't do, yes, sir.</p> <p>12 Q. Okay. You said that you</p> <p>13 worked a ten-hour day --</p> <p>14 A. Yes, sir.</p> <p>15 Q. -- when you worked for</p> <p>16 Ideal?</p> <p>17 What were the hours that you</p> <p>18 worked?</p> <p>19 A. They -- Jeremy Leaman had</p> <p>20 stated that usually -- like to be at the</p> <p>21 job at least by 9:00 and you could work</p> <p>22 until 7:00, sometimes 8:00 to 5:00. He</p> <p>23 was real flexible, as long as I did a</p> <p>24 ten-hour.</p>	<p style="text-align: right;">185</p> <p>1 all over the place, overhead not</p> <p>2 consistent with what's below as far as</p> <p>3 the product, you know, in the bays. I</p> <p>4 mean, I would have like overhead that's</p> <p>5 in electrical and that's overhead for</p> <p>6 lawn and garden, so just -- and a lot of</p> <p>7 the stuff had to deal with getting a</p> <p>8 forklift. It would be great if I could</p> <p>9 work in the evening, night shift, and</p> <p>10 have a forklift driver move things</p> <p>11 around, but they wouldn't let me do that,</p> <p>12 but the whole -- that was -- that was</p> <p>13 just a tough -- I mean, it was actually</p> <p>14 worse than when I was a vendor doing the</p> <p>15 inside/outside garden at the Lowe's in</p> <p>16 Dover. This was a lot worse. So, I</p> <p>17 mean, it was a challenge and an obstacle.</p> <p>18 So my typical day at Lowe's</p> <p>19 in Dover was overhead. I worked from,</p> <p>20 you know, top to bottom just making sure</p> <p>21 overhead was where it's supposed to be,</p> <p>22 and then there would be display racks</p> <p>23 where you could open the doors and there</p> <p>24 would be product in there, so try and</p>

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1 make sure that's where it's supposed to
 2 be, and I worked my way down to the bays,
 3 and that's when I would go into inventory
 4 and make sure everything is supposed to
 5 be where it's supposed to be at, and if
 6 not, then I would move it back in the
 7 appropriate location.
 8 **Q. During this time that you**
 9 **were doing all this, would you spend time**
 10 **talking to the Lowe's employees?**
 11 **A. I would spend time talking**
 12 **to them, but it was pertaining to where I**
 13 **could find such and such. Like, for**
 14 **example, I would have a box -- let's say**
 15 **rough components of fuses, I would hold**
 16 **it in my hand and ask them this is what I**
 17 **have, here's the SKU, nothing, and the**
 18 **computer is showing you have X amount.**
 19 **Have you seen this? Do you**
 20 **know if it's in overhead here? Do you**
 21 **know if it is in the overhead there? It**
 22 **would be strictly -- you know, of course**
 23 **there will be times when you talk about**
 24 **non-work-related stuff, but for the most**

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1 part, everything I talked about was
 2 work-related stuff, trying to find out
 3 where -- you know, if they have seen it,
 4 if they haven't seen it, you know, and
 5 where does it go if there's no home for
 6 it, because I didn't have a planogram for
 7 every day.
 8 **Q. What is a planogram?**
 9 **A. It's a schematic on where**
 10 **the product is supposed to go. Product**
 11 **is supposed to go -- they have three --**
 12 **you have a bay here, the third shelf,**
 13 **second and first shelf. They will have**
 14 **SKU numbers that this goes on the first**
 15 **shelf and this goes on the second shelf.**
 16 **Q. What are those numbers?**
 17 **A. SKU numbers.**
 18 **Q. What's that?**
 19 **A. Acronym. I'm sorry, I have**
 20 **no idea.**
 21 **Q. S-K-U?**
 22 **A. S-K-U, and I would talk to**
 23 **him on this and I think they could**
 24 **provide me with that.**

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1 **Q. Did you ever talk to Lowe's**
 2 **employees about personal things?**
 3 **A. Yeah, we all do.**
 4 **Q. Okay. What kinds of things?**
 5 **A. Again, most of it would be**
 6 **in the breakroom, so it was an**
 7 **appropriate environment, and it just**
 8 **would be regular stuff, like, uhm, the**
 9 **game. I can't remember -- this is --**
 10 **this goes back two years ago, but I know**
 11 **we talked about the football game and**
 12 **basketball games, so just regular stuff.**
 13 **Q. Did you have Lowe's**
 14 **employees in the Dover store that you**
 15 **were friendly with?**
 16 **A. There was Dover -- there was**
 17 **people in the Lowe's store that I talked**
 18 **to more than others.**
 19 **Q. Were they ones that you were**
 20 **friendly with?**
 21 **A. They were ones that had a**
 22 **rapport -- relationship with from what I**
 23 **worked at Lowe's, like Larry Reed, the**
 24 **department manager in paint.**

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1 **Q. Who else besides him?**
 2 **A. Probably Jay, but, uhm, he**
 3 **didn't -- he -- he didn't really get to**
 4 **stay there that long when I got there.**
 5 **Q. He left pretty soon after**
 6 **you got there?**
 7 **A. Yes, sir.**
 8 **Q. Anybody else?**
 9 **A. Thelma.**
 10 **Q. Anybody else you were**
 11 **friendly with?**
 12 **A. That's about it.**
 13 **---**
 14 **(Whereupon, Exhibit 3 was**
 15 **marked for identification.)**
 16 **---**
 17 **BY MR. LEAHY:**
 18 **Q. Mr. Hanson, I'm showing you**
 19 **now what we have marked as Exhibit 3 and**
 20 **it's a copy of your complaint in this**
 21 **case.**
 22 **Have you seen this document**
 23 **before?**
 24 **A. Yes, sir.**

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1 Q. Okay. I would like to go
2 through some of the things that you have
3 in here. Okay?
4 A. Yes.
5 Q. The first thing I would like
6 you to do is turn to the second page.
7 Look at paragraph 10.
8 A. (Witness complies with
9 request.)
10 Q. Paragraph 10 says, plaintiff
11 is an Asian American male whose national
12 origin is partially Korean.
13 A. Yes, sir.
14 Q. So that's your national
15 origin?
16 A. Yes, sir.
17 Q. What do you mean by
18 "partially Korean"?
19 A. I'm half Korean.
20 Q. Half Korean?
21 A. On my mom's side.
22 Q. Is your mother Korean?
23 A. Yes, sir.
24 Q. And your father is not?

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1 A. Correct.
2 Q. What is your father's
3 national origin?
4 A. Caucasian.
5 Q. Did you ever tell anybody at
6 Lowe's that that was your national
7 origin?
8 A. I can't -- off the top of my
9 head, I don't remember actually saying,
10 hey, I'm half Korean, but I do know if
11 people will ask me, I will tell them that
12 I am half Korean. I don't have nothing
13 to hide.
14 Q. Do you know if anybody at
15 Lowe's ever asked you what your national
16 origin or your race was?
17 A. Oh, if they did, I'm not
18 going to remember at this time.
19 Q. You don't remember?
20 A. I don't -- correct, I don't
21 remember.
22 Q. Okay. I just wanted to be
23 clear that you were not refusing to
24 remember for me, you just don't remember?

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1 A. Right, I don't remember.
2 Q. Okay. Take a look at
3 paragraph 12, and paragraph 12 says, at
4 all times relevant to this complaint,
5 plaintiff was qualified for his job
6 position and satisfactorily performed all
7 duties of his position.
8 A. Yes, sir.
9 Q. Is that correct?
10 A. That's correct.
11 Q. And that's while you worked
12 for Ideal?
13 A. Yes, sir.
14 Q. Did anybody ever tell you
15 that you had done something incorrectly
16 when you worked for Ideal?
17 A. Coming from an Ideal
18 personnel or Lowe's? Personnel.
19 Q. Ideal personnel first.
20 A. When I, uhm, called
21 corporate on Yvette.
22 Q. Okay. Tell me about that.
23 A. Uhm, I was -- I was at the
24 computer and I was doing cycle counts

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1 because that's how I find out -- that's
2 how I find out about inventory is by
3 actually using the Lowe's computer.
4 Then Yvette goes by and she
5 goes, you want to do any work today, boy?
6 I didn't know who it was, but I --
7 electrical has a desk that's kind of
8 hidden. I mean, it's kind of like
9 recessed, and the light fixtures were --
10 I mean, you wouldn't even know it's a
11 desk, but there's a -- there's the
12 divider where it is a desk.
13 And then I looked back and
14 she was walking towards customer service
15 and she turns around and says, yeah,
16 that's right, I'm talking to you, boy.
17 So, I mean, I knew that, I
18 mean -- I mean, I had problems with her,
19 but -- but that broke the straw on the
20 camel's back, so I called corporate on
21 her.
22 Q. Who is corporate?
23 A. Lowe's corporate office out
24 of Chapel Hill, North Carolina, and I

<p>194</p> <p>1 called and I told them exactly what had 2 transpired, that -- that was one of -- 3 I'm talking about Ideal Merchandising, 4 not Spectrum or Lowe's. That was one of 5 like a half a dozen, if not more, 6 incidents that I had with her just with 7 Ideal, and keeping in mind, I'm new with 8 Ideal going through Lowe's.</p> <p>9 And I just basically called 10 corporate to let them know that I felt I 11 was in a hostile work environment. I was 12 not comfortable. I'm getting -- you 13 know, Yvette is the store manager and she 14 is not very professional towards me. She 15 has demeaning remarks towards me and I'm 16 just very uncomfortable and this needs to 17 stop, something has to stop.</p> <p>18 And whatever they 19 documented, it did get back to her.</p> <p>20 Q. Okay. Now, what I asked you 21 initially was, though, had anybody from 22 Ideal ever told you that you had done 23 something incorrectly -- 24 A. That's correct.</p>	<p>196</p> <p>1 Well, he said, yeah, I heard 2 it from Yvette. Next time you got to go 3 through me.</p> <p>4 I'm like, is that really 5 necessary?</p> <p>6 He said, yes, next time, and 7 he also said Yvette wants you to go and 8 apologize to her for that, and I said, 9 Jeremy, you know I can't do that. I'm 10 not going to make something like that up. 11 She called me boy twice and said it in a 12 demeaning way, and she is on the wrong. 13 You can take it like you want, but I'm 14 not going to go to the office and 15 apologize to her, and I am going to call 16 corporate again if it happens again.</p> <p>17 Q. So even though he had said 18 to go through him next time, you still 19 said you were going to call corporate 20 again?</p> <p>21 A. I said I'm going to have to 22 call corporate.</p> <p>23 Q. What did he say? 24 A. He goes, well, the chain of</p>
<p>195</p> <p>1 Q. -- during the time that you 2 worked there? Tell me how somebody told 3 you that you had done something 4 incorrectly.</p> <p>5 A. Well, Jeremy me called 6 because he heard it from Yvette, and he 7 had called me to say, did you call 8 corporate on Yvette?</p> <p>9 And I said, yes, I did. I 10 can't take it no more.</p> <p>11 He goes, well, you shouldn't 12 have done that. You should have called 13 me first and let me handle that.</p> <p>14 Q. Okay. What did you say? 15 A. I said -- actually, uhm, 16 actually, it was like the day before I 17 called him to let him know that I had 18 called corporate. I guess he didn't make 19 a big deal out of it because that day he 20 didn't get a call from corporate or 21 Yvette, it was like the next day that he 22 called me back.</p> <p>23 And I said, well, I told you 24 about it.</p>	<p>197</p> <p>1 command is through me. And I told -- I 2 said, well, what exactly are you going to 3 do? Are you going to call corporate?</p> <p>4 He goes, no, I will take 5 that into my own hands, and I took that 6 as if he will just blow it off and not do 7 anything about it.</p> <p>8 Q. What did you say next? 9 A. I didn't tell him that I 10 thought he was going to blow it away and 11 not do anything about it. I didn't tell 12 him. When he said it got to go through 13 him, I said if that's what got to be 14 done, so be it, but I don't see why I 15 shouldn't have to call corporate. That 16 was it.</p> <p>17 Q. Is that how the conversation 18 ended? 19 A. I don't know if -- like what 20 I am telling you, I don't know if it's 21 verbatim, but it's exactly what happened. 22 He wanted me to go through him instead of 23 calling corporate, and I told him I 24 didn't feel as if I should have to not</p>

<p style="text-align: right;">198</p> <p>1 call corporate if this happens again, but 2 he made it clear that it needs to go 3 through him. And I said, well, are you 4 going to call corporate, and he says no, 5 he will handle it in-house with Ideal 6 Merchandising. 7 But I didn't say it to him. 8 What I thought was that he was going to 9 blow it off, but he made it clear -- what 10 you said at the end of it, he made it 11 clear that it's got to go through him. 12 Q. Did you tell him that you 13 understood that? 14 A. I just said yes, I -- well, 15 I just said okay. 16 Q. Okay. Any other times that 17 you were told that you had done something 18 incorrectly while you worked for Ideal? 19 A. That was it. 20 Q. Okay. How about by anybody 21 at Lowe's? 22 A. That goes back to -- as a 23 vendor at Lowe's, not as -- 24 Q. As working for Ideal at</p>	<p style="text-align: right;">200</p> <p>1 don't know the last names. A gentleman 2 by the name of Eric. 3 Q. Okay. And -- 4 A. And then the other 5 gentleman's name. I don't even know if 6 it's correct. It's either Dan or Don. 7 Q. Okay. 8 A. One of the two. I'm not 9 sure which one. 10 Q. They were both in 11 electrical? 12 A. They were both in 13 electrical. 14 Q. How about plumbing? 15 A. Jeff Ramirez and Steve 16 Fowler. 17 Q. And they were both in 18 plumbing? 19 A. Yes, sir. 20 Q. And how did they appraise 21 you for the job you had done? 22 A. They were benchmarking from 23 the last Ideal merchandiser, and they 24 were saying -- they were just using as</p>
<p style="text-align: right;">199</p> <p>1 Lowe's, because we are talking about 2 paragraph 12 of your complaint and how 3 you satisfactorily performed all the 4 duties of your job position. 5 Did anybody at Lowe's during 6 the time that you worked for Ideal tell 7 you that you were not performing 8 satisfactorily? 9 A. No, sir. 10 Q. Did anybody tell you that 11 you were doing things incorrectly from 12 Lowe's during that time period? 13 A. No, sir. 14 Q. Okay. 15 A. As a matter of fact, I was 16 appraised(sic) for my job. 17 Q. By whom? 18 A. All the electrical -- Lowe's 19 associates in the electrical department 20 and all the associates in the plumbing 21 department. 22 Q. Can you tell me who they 23 were? Start with the electrical. 24 A. Okay. A gentleman -- I</p>	<p style="text-align: right;">201</p> <p>1 the benchmark -- that I was representing 2 -- I was more representative of the 3 electrical and plumbing department than 4 the last Ideal merchandiser who was never 5 there or never did anything, and who, I 6 guess, took breaks and stuff like that. 7 Q. And you didn't take breaks? 8 A. I took breaks, but this guy 9 took consistent regular breaks. 10 Q. Take a look at paragraph 13. 11 A. (Witness complies with 12 request.) 13 Okay. 14 Q. October 6th, 2003, was that 15 when you started with Ideal? 16 A. Yes, sir. 17 Q. Is that your first day of 18 work for Ideal? 19 A. That looks to be correct. 20 Q. Did you go to the Dover 21 store on your first day of work for 22 Ideal? 23 A. As a matter of fact, I 24 believe that's correct, because</p>

<p style="text-align: right;">202</p> <p>1 Middletown was just to interview, so I</p> <p>2 believe the Dover store was the first</p> <p>3 day. You know what, as a matter of fact,</p> <p>4 it was the first day.</p> <p>5 Q. Okay.</p> <p>6 A. So I remember -- I'm sorry.</p> <p>7 Q. No, go ahead, tell me how</p> <p>8 you remember.</p> <p>9 A. Because I remember how it</p> <p>10 had transpired.</p> <p>11 Q. How was that?</p> <p>12 A. The -- the -- the -- Yvette</p> <p>13 and Linda, they didn't want me to work</p> <p>14 there. I almost didn't get the job that</p> <p>15 day.</p> <p>16 Q. Tell me how you almost</p> <p>17 didn't get the job that day.</p> <p>18 A. Linda Myers -- I will make</p> <p>19 it short. Linda Myers, my old department</p> <p>20 manager at Lowe's, is still working</p> <p>21 there. Yvette is still working there.</p> <p>22 And she had saw me with Jeremy walking</p> <p>23 around the electrical department.</p> <p>24 Q. Is this on your first day?</p>	<p style="text-align: right;">204</p> <p>1 Q. Was that the first day?</p> <p>2 A. That was the first day.</p> <p>3 Q. My assumption may be</p> <p>4 incorrect, is that you met Mr. Leaman at</p> <p>5 the store and he was taking you around?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay. And at what point did</p> <p>8 he tell you that Linda Myers had called</p> <p>9 him?</p> <p>10 A. We were doing paperwork in</p> <p>11 the home decor department and he got a</p> <p>12 call on his -- kind of weird, but he got</p> <p>13 a call -- actually, not even on his cell</p> <p>14 phone, but he got a call on the</p> <p>15 department phone from a page. Somehow he</p> <p>16 got a call, and it was actually a store</p> <p>17 phone, and it was Linda Myers, because</p> <p>18 after he was done with the call, he told</p> <p>19 me it was Linda Myers that called.</p> <p>20 Q. What did he tell you that</p> <p>21 Linda Myers had said?</p> <p>22 A. He said, for some reason --</p> <p>23 he goes, do you know Linda Myers? I said</p> <p>24 yes, I do. He just told me for some -- I</p>
<p style="text-align: right;">203</p> <p>1 A. First day.</p> <p>2 Q. Okay.</p> <p>3 A. She knows Jeremy.</p> <p>4 Q. Linda Myers does?</p> <p>5 A. Linda Myers knows Jeremy</p> <p>6 Leaman at Ideal Merchandising because her</p> <p>7 son was the last Ideal Merchandising rep.</p> <p>8 Q. Okay.</p> <p>9 A. He was fired, terminated,</p> <p>10 and I guess that she felt like it was a</p> <p>11 slap in the face that I would take the</p> <p>12 position after her son.</p> <p>13 Q. Why do you guess that she</p> <p>14 felt it was a slap in her face?</p> <p>15 A. She called Jeremy Leaman</p> <p>16 that she didn't want me to work in the</p> <p>17 Dover store.</p> <p>18 Q. How do you know that?</p> <p>19 A. Jeremy told me.</p> <p>20 Q. What did Jeremy tell you</p> <p>21 that Linda had said?</p> <p>22 A. He said for some reason they</p> <p>23 don't want you to work here, but I'm</p> <p>24 going to work it out.</p>	<p style="text-align: right;">205</p> <p>1 don't remember what he said verbatim, but</p> <p>2 the conversation was that she didn't want</p> <p>3 me to work -- to work for Ideal</p> <p>4 Merchandising in that store.</p> <p>5 Q. What did you say?</p> <p>6 A. I said that's not</p> <p>7 acceptable --</p> <p>8 Q. Okay.</p> <p>9 A. -- because --</p> <p>10 I'm sorry.</p> <p>11 Q. No, go ahead.</p> <p>12 A. Uhm, he already had a -- he</p> <p>13 had an assistant store manager, Keith</p> <p>14 Dominick, approve of me working in that</p> <p>15 store already. He was in the Middletown</p> <p>16 store and -- I already had the job, but</p> <p>17 he wanted to go through a Lowe's manager</p> <p>18 unit to see how I did as a previous</p> <p>19 vendor, which I dealt with Keith, and</p> <p>20 Keith basically gave him the nod and</p> <p>21 said, yeah, he's good, he can work in my</p> <p>22 store, you know, he's helping out in the</p> <p>23 Middletown, but he actually works in the</p> <p>24 Dover store, so he already had the nod.</p>

<p style="text-align: right;">206</p> <p>1 So my impression is Jeremy 2 already had his mind made up. He already 3 went through paperwork to get me hired, 4 and to go through the whole process 5 again, I think he just wasn't happy and 6 -- and plus problems, you know, I mean, 7 it's not like it's that great of a, I'm 8 not going to say source or whatever, but 9 her son had worked for him and her son 10 had messed up everything, so it's not 11 like, you know, her -- you know, that he 12 could listen to her because her son was 13 stellar, because he wasn't, he got 14 terminated. 15 Q. How do you know he got 16 terminated? 17 A. Jeremy Leaman told me. 18 Q. What did Jeremy tell you 19 about Linda Myers' sons? 20 A. Basically because -- I was 21 trying to figure out why Linda didn't 22 want me in the store, and he was giving 23 me a little synopsis on what the 24 situation was, that her son had</p>	<p style="text-align: right;">208</p> <p>1 whatever, but this is my opinion, is 2 because she doesn't like me. 3 Q. Did she tell you that? 4 A. No. 5 Q. Okay. 6 A. But her actions, just her 7 verbal and physical gestures, indicated 8 to me that she just didn't -- had a 9 dislike for me for some reason. 10 Q. Getting back to the 11 conversation that you had with Mr. 12 Leaman, what he told you was that Linda 13 Myers didn't want you working there? 14 A. Yes. 15 Q. And then he told you the 16 story about how Linda's son had been the 17 previous vendor? 18 A. Yes, sir. 19 Q. Okay. Is that all he told 20 you about it? 21 A. That's it. 22 Q. Okay. Did Linda Myers ever 23 say anything to you about it? 24 A. She didn't talk to me.</p>
<p style="text-align: right;">207</p> <p>1 previously -- actually, the person before 2 me was her son working for Ideal 3 Merchandising and he got terminated and 4 Linda doesn't want you to, you know, work 5 for us here, so I guess -- 6 And that's what I was 7 telling you before, that it goes back to 8 -- I mean, I guess she just felt it was 9 disrespectful or something, you know, I'm 10 working after her son, because we didn't 11 have exactly the rapport when I worked at 12 Lowe's through her and Yvette, but 13 whatever she had told Jeremy, it still 14 was not enough to persuade him to not 15 have me work there, so I started that day 16 regardless. 17 Q. So you think Linda was just 18 upset that her son had been terminated 19 and somebody else was now taking his 20 place? 21 A. Not somebody else, because 22 the somebody else was me. She was upset 23 that I was the one that took his place. 24 You can take this as an opinion or</p>	<p style="text-align: right;">209</p> <p>1 Q. Did she ever tell you that 2 she didn't want you working in her store? 3 A. She never told that to me 4 directly. 5 Q. Did she ever tell that to 6 you indirectly? 7 A. Yes, sir. 8 Q. Yes? 9 A. Yes, sir. 10 Q. How did she tell it to you 11 indirectly? 12 A. To other Lowe's associates 13 that came back to me and told me that 14 Linda didn't want you to work here. 15 Q. Who were those Lowe's 16 associates? 17 A. A couple of them. Larry 18 Reed, as a matter of fact, department 19 manager in paint. 20 Q. And what did Mr. Reed tell 21 you? 22 A. That Linda didn't even want 23 you here as a vendor. I mean, we didn't 24 have a like big conversation about it,</p>

<p style="text-align: right;">210</p> <p>1 but however that came up, he just 2 mentioned that Linda just did not want me 3 to work there as a vendor. 4 Q. Who else told you that Linda 5 didn't want you working there? 6 A. Thelma. 7 Q. What did Thelma tell you? 8 A. Pretty much the same thing 9 that Larry told me. 10 Q. All she said is that Linda 11 didn't want you here? 12 A. Yeah. 13 Q. The other Lowe's store that 14 you worked at during the time that you 15 worked for Ideal was Middletown? 16 A. Yes. 17 Q. Who managed that store? 18 A. Well, they had a couple of 19 store managers. The guy that -- the guy 20 that I dealt with was a guy named Will, 21 but he was not the store manager. 22 Q. What was he? 23 A. He was the, uhm, zone 24 manager that oversees the electrical and</p>	<p style="text-align: right;">212</p> <p>1 Q. Okay. So Paul was there and 2 then he left while you were there? 3 A. Yes, sir. 4 Q. Okay. Let me ask you to 5 take a look at paragraph 14. 6 A. Yes. 7 Q. It says, during the period 8 of his employment, plaintiff was 9 subjected to constant harassment by 10 agents of defendant, Lowe's; namely, 11 store manager Yvette, and I take it you 12 mean Yvette Schreiber? 13 A. Yes, sir. 14 Q. A white American female and 15 assistant store manager, Linda Myer, I 16 think you mean Linda Myers, also a white 17 American female? 18 A. Yes, sir. 19 Q. Okay. What kind of 20 harassment were you subjected to by 21 Yvette Schreiber during the time that you 22 worked for Ideal? 23 A. The main case is when I was 24 -- I mean, this is just -- I mean, I just</p>
<p style="text-align: right;">211</p> <p>1 plumbing. 2 Q. Do you remember his last 3 name? 4 A. I don't. I do remember the 5 -- is the store -- I think the store 6 manager's name -- you said store manager 7 so I'm trying to get to that. 8 Q. Yes. 9 A. I think his name was Paul. 10 Q. Paul? 11 A. Paul -- I will be up front 12 and accurate on that one, that his first 13 name was Paul, but I'm not sure of the 14 last name. 15 Q. Was he the store manager the 16 entire time that you worked for Ideal? 17 A. Well, they were in 18 transition of getting a new store 19 manager, kind of -- it's like I was 20 there, they already had Paul, and then 21 were en route of getting somebody else, 22 so I didn't know who the new person was 23 because I was not working for Ideal 24 anymore.</p>	<p style="text-align: right;">213</p> <p>1 never expected I would go through this 2 with a store manager or any professional, 3 but supposed to be a professional, but I 4 was in the electrical department doing 5 the switch covers, I mean, it's -- the 6 work can be tedious. Pretty much all the 7 cover plates have brass, plastic, so on 8 and so forth. That is all I was doing 9 that day, not necessarily doing cycle 10 counts or inventory, just making 11 everything look good, because those boxes 12 are small and they get messed up and they 13 are in little plastic sleeves. It's one 14 of the hardest things to do, but I pretty 15 much just made sure all the plates were 16 in the right place and just -- basically 17 just trying to make it look good. 18 It's hard when you are 19 dealing with small components, but in a 20 nutshell -- and I -- I had two shopping 21 carts full of boxes, and I was 22 consistently working in that aisle, and I 23 usually stay in that aisle for a couple 24 of hours. And she goes by, and to put a</p>

<p style="text-align: right;">214</p> <p>1 damper on my day, she goes, this -- this</p> <p>2 section looks like shit, excuse my</p> <p>3 language. That's what she said verbatim,</p> <p>4 this section looks like shit, you need to</p> <p>5 do a better job, not even saying a hi,</p> <p>6 not even saying what are you doing or</p> <p>7 anything, and then she left.</p> <p>8 Q. How did the section look?</p> <p>9 A. Average. I will say that on</p> <p>10 a footnote, because it's not like there</p> <p>11 was boxes all the over the place. The</p> <p>12 boxes I had were in my two shopping</p> <p>13 carts, and that aisle is never a hundred</p> <p>14 percent, but I assure you, it was a lot</p> <p>15 better looking than the day before.</p> <p>16 Q. So she wasn't happy with the</p> <p>17 way it looked?</p> <p>18 A. She wasn't happy with the</p> <p>19 way it looked.</p> <p>20 Q. Okay. Did anybody witness</p> <p>21 that?</p> <p>22 A. He probably won't fess(sic)</p> <p>23 to it, but Keith Dominick.</p> <p>24 Q. What do you mean by "he</p>	<p style="text-align: right;">216</p> <p>1 within either the first or second month</p> <p>2 working for Ideal.</p> <p>3 Q. And you started there</p> <p>4 October of 2003?</p> <p>5 A. Yes.</p> <p>6 Q. So it was October or</p> <p>7 November of 2003?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And do you think that Yvette</p> <p>10 said to you, this section looks like</p> <p>11 shit, because you're a male?</p> <p>12 A. Yes, sir.</p> <p>13 Q. I'm sorry?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Why do you think it was</p> <p>16 because you were a male?</p> <p>17 A. Because the whole time that</p> <p>18 I worked for -- I will stay with Ideal</p> <p>19 Merchandising, but it also applies to</p> <p>20 when I was a vendor before, and it also</p> <p>21 applies to when I was a vendor there</p> <p>22 before and it also applies to when I was</p> <p>23 a Lowe's employee there before, because</p> <p>24 you don't -- I never ever accounted her</p>
<p style="text-align: right;">215</p> <p>1 probably won't fess to it"?</p> <p>2 A. Because he's my -- my -- my</p> <p>3 -- you see, when I talk to Keith, Keith</p> <p>4 is a young guy trying to move up in the</p> <p>5 Lowe's company ladder. He's moved up</p> <p>6 progressively because of Yvette. I know</p> <p>7 this because I talked to him.</p> <p>8 Whether he will admit to it</p> <p>9 or not, that's on him, but he did witness</p> <p>10 that.</p> <p>11 Q. Was he there when it</p> <p>12 happened?</p> <p>13 A. Yes, sir.</p> <p>14 Q. You don't know whether he</p> <p>15 would admit to it or not?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. Are there any other</p> <p>18 witnesses?</p> <p>19 A. No, sir.</p> <p>20 Q. Do you remember when that</p> <p>21 happened?</p> <p>22 A. Like I would not be able to</p> <p>23 give you any accurate date on any of</p> <p>24 this, but all I can tell you is it was</p>	<p style="text-align: right;">217</p> <p>1 chastising or demoralizing other females</p> <p>2 as opposed to the males. I mean, she</p> <p>3 would talk to us like -- like, uhm, like</p> <p>4 one guy said it best, a quote from Mike</p> <p>5 when I was Spectrum, that she talked to</p> <p>6 me like I was an adopted stepchild, and</p> <p>7 that's a quote from him, and, I mean, she</p> <p>8 doesn't talk to me like I'm human. I</p> <p>9 mean, she just -- just doesn't even</p> <p>10 acknowledge me.</p> <p>11 Any things that she had said</p> <p>12 to me since I have known her, or at least</p> <p>13 that first couple of months I have known</p> <p>14 her or thereafter, everything that came</p> <p>15 out from her -- I'm not going to say it,</p> <p>16 but everything that she said to me was</p> <p>17 negative.</p> <p>18 Q. What do you mean "you were</p> <p>19 not going to say it"?</p> <p>20 A. I was going to say anything</p> <p>21 -- everything that come out of her mouth.</p> <p>22 Q. Was negative?</p> <p>23 A. I don't want to phrase it</p> <p>24 like that, but everything that she said</p>